

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS	
A. Ray Smith vs Black Watch Farms, Inc., a corporation		For plaintiff: Irvine E. Ungerman Ungerman, Grabel, Ungerman & Leiter 6th Floor Wright Building Tulsa, Oklahoma Rucker & Tabor 6th & Frisco Tulsa, Oklahoma	
		For defendant: David L. Fist Rosenstein, Livingston, Fist & Ringold 300 McFarlin Building Tulsa, Oklahoma 74103	

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 9-2-69	Clerk	8-12-69	Ungerman	15 00	
		8-14-69	C/D 7		15 00
J.S. 6 mailed 9-1-70	Marshal				
Basis of Action: Recovery of judgment on lease agreement	Docket fee				
	Witness fees				
Action arose at: Tulsa	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
8-12-69	Complaint, filed. Summons issued. m	
8 27 69	Return on service of summons filed. John Rogers, Secy of State, forwarded copy thereof to Secy of Black Watch Farms, Inc. at Wappinger Falls, N. Y. on 8-22-69. Check received for \$3.00. ds	
8-29-69	Application for additional time to plead or answer, filed. m	
8-29-69	Order granting deft. until 9-15-69 to file pleading, filed. (MME-Clerk)m	
9-4-69	Return on service of summons filed. Served BlackWatch Farms, Inc. by serving Secy of State, State of Okla. by paying him required \$3.00 (USM \$4.72)h	
9-15-69	Answer of the defendant, filed. b	
10-7-69	Interrogatories to defendant, filed. m	
10-13-69	Defendant's First Interrogatories, filed. js	
10-22-69	Order extending time to answer plaintiff's interrogatories, filed. ds (extended 15 days from 10-22-69) (C1)	
10-24-69	Application for additional time to answer interrogatories, filed. m	
10-24-69	Order exting time for plaintiff to answer deft's interrogatories to 11-10-69, filed. (MME-Clerk)m	
11-5-69	Minute Order: Parties directed to hold pre-trial and file pre-trial order not later than 12-8-69.(AEB-J)h	
11-6-69	Application for additional time for pltf. to answer interrogatories, filed. m	
11-7-69	Order extending time to answer defendant's interrogatories to 12-10-69, filed. (AEB-J)m	
11-10-69	Answers to plaintiff's first interrogatories, filed. m	
11-13-69	Plaintiff's answer to defendant's interrogatories, filed. m	
12-3-69	Application for extension of time within which to comply with pre-trial order, filed. ds	
12-3-69	Order granting extension of time to 1-15- 69 within which to complete discovery proceedings and to comply with pre-trial order, filed. ds (AEB-J) <i>Exhibit marked</i>	
12-11-69	Deft's motion to dismiss, filed. m	
12-11-69	Memorandum brief in support of deft's motion to dismiss, filed. m	
1-6-70	Brief in response to Motion to Dismiss, filed. e	
1-8-70	Application for extension of time to prepare pre-trial order, filed. e	
1-8-70	Brief in support of application, filed. e	
1-8-70	Order granting parties until Jan. 30, 1970 to prepare and file pre-trial order, filed. (AEB-J) e	
1-27-70	Hearing held on defendant's motion to dismiss, and it is overruled, plaintiff to prepare proper order. Plaintiffs request for additional 20 days to prepare pre-trial order granted.(AEB-J)h	
2-9-70	Order overruling motion to dismiss, and granting parties 20 days from 1-30-70 to file pre-trial order, filed.(AEB-J)h	
2-12-70	Application for extension of time within which to file pre-trial order, filed. m	
2-24-70	Order extending time within which to file pre-trial order, filed. (AEB-J) ds	
2-26-70	Order, appointing Eddie King appraiser of real property involved in this litigation, filed. It is also ordered that a representative of plaintiff and defendant shall have the right to be present at appraisal, and that cost of said appraisal be taxed as costs. (AEB-J) ds	
2-26-70	Pre-trial order, filed. (AEB-J) ds	
2-26-70	Ordered by the court that the parties are to pay costs of the appraisal equally. (AEB-J) ds	
4-6-70	Case set for non-jury trial at 10 A.M., April 16, 1970; trial briefs to be filed on or before 4-10-70. (AEB-J)g	
	Continued-	

DATE	PROCEEDINGS	Date Order or Judgment Noted
4-9-70	It is ordered by the Court that this case be stricken from the non-jury setting of 4-16-70, and is set for pre-trial at 10:00 A.M. on 4-20-70. <i>attys. notified</i>	
4-13-70	Deposition of A. Ray Smith on behalf of deft., filed. (Fee: \$66.00 pd by deft.)m	
4-20-70	Pre-trial hearing held. Plaintiff's Trial Brief filed in open court. Defendant granted 10 days to file trial brief, and plaintiff 5 days to respond, and parties to report to the court within 2 weeks.(AEB-J)h	
5-14-70	Defendant's motion to dismiss, filed. ds	
5-14-70	Memorandum brief in support of defendant's motion to dismiss, filed. ds	
5-22-70	Response of plaintiff to defendant's brief in support of its motion to dismiss, filed. g	
5-27-70	Ordered by the Court that the defendant is granted until Monday, June 1, 1970 within which time to file a reply brief. (Allen E. Barrow-Judge) b	
6-1-70	Reply brief of defendant, filed. b	
7-13-70	Return on subpoena filed. Served Eddie King, at Pawhuska, Oklahoma, on 7-10-70. (\$16.40) ds	
7-23-70	Return on Subpoena filed, served Joe Yirsa at Nowata, Okla on 7-20-70. Affidavit attached. filed. v	
7-23-70	Return on Subpoena & affidavit filed. Served on Fred Dillahauty in Nowata, Oklahoma on July 20, 1970, filed. v	
7-23-70	Return on Subpoena & Affidavit filed. Served on George H Seabolt in Nowata, Oklahoma on 7-20-70, filed. v	
7-27-70	Return on Subpoena & Affidavit filed. Served Dr. Wilfred McMurphy on July 25, 1970 at South end of the Sand Springs Bridge. filed. v	
7-28-70	Case called for trial on the merits July 28,29,&*31. Deft. moves for dismissal and Court sustains in part and overrules in part. Deft. to prepare order on motion to dismiss with pltf's approval and file within 3 days. Parties given 5 days to file proposed F/F & C/L and Court will enter final ruling within one week. (AEB-J)m	
8-5-70	Memorandum of Authorities filed by plaintiff. h	
8-24-70	Order filed that defendant's motion to dismiss is overruled.(AEB-J)h	
8-24-70	Findings of Fact and Conclusions of Law filed. (AEB-J)h Plaintiff ordered to prepare and file with the Court a judgment in conformity with these FFandC/L within 5 days, from this date.	
8-26-70	Hearing held on Attorney Fees. Court orders that Attorney fees are allowed in the amount of \$6,500.00, with no objections offered by the defendant. Proper order to be prepared by Mr. Ungerman.(AEB-J)h	
8-28-70	Judgment filed and entered, plaintiff have judgment against the defendant in the sum of \$36,000.00 plus attorney's fee in the sum of \$6,500.00 with interest at 10% from date and costs. (Allen E. Barrow-Judge) b copies mailed to parties.	
8-28-70	Plaintiff's bill of costs in the amount of \$57.80, filed; set for taxation on 9-8-70. b	
10-5-72	Partial Release of Judgment as to specific property, filed with exhibit pertaining to a bky. matter in the Souther District of New York. v	

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